

LLOYD
Application No. 09/720,358
December 18, 2003

REMARKS/ARGUMENTS

Reconsideration and allowance of this application are respectfully requested.

Currently, claims 1-15 and 18 are pending in this application.

Abstract:

While an abstract (i.e., the PCT abstract of the international application) was provided in the present national phase filing, Applicant has deleted the abstract in its entirety in favor of the new abstract attached hereto on a separate page.

Objections to the Claims:

Claim 7 was objected to because the term “another species” lacked an antecedent basis. Claim 7 has been amended so that the term “species” has a proper antecedent basis. Applicant therefore respectfully requests that the objection to claim 7 be withdrawn.

Allowable Subject Matter:

Claim 2 has been indicated as being allowable.

The Office Action objected to claim 15 as being dependent upon a rejected base claim, but held that this claim would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. By this Amendment, claim 15 has been rewritten in independent form including the limitations of base claim 1. Claim 15 is therefore allowable.

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Rejections Under 35 U.S.C. §103:

Claims 1, 3-11, 14 and 18 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Palo (U.S. '296) in view of Wickersheim (U.S. '809). Applicant respectfully traverses this rejection.

The §102(e) date of Palo (U.S. '296) is June 12, 2000. Palo (U.S. '296) is thus only effective as "prior art" as of its June 12, 2000 §102(e) date.

The present application is entitled to priority rights based on Great Britain application no. 9313613.8 (hereinafter "GB '613") which was filed on June 25, 1998 (i.e., before the §102(e) date of Palo (U.S. '296)). Certified copies of the GB '613 priority document (written in English) have been received in the present national phase application as acknowledged by the Office Action mailed February 3, 2003.

Accordingly, it is believed that Applicant has perfected its foreign priority claim under 35 U.S.C. §119 and that Palo (U.S. '296) is therefore not "prior art" with respect to the present application. Corresponding PCT publication no. WO 99/17086 published on April 8, 1999 (i.e., after the June 25, 1998 filing of GB '613) also is not "prior art" with respect to the present application. It is therefore not believed necessary at this time to discuss the technological deficiencies of Palo (U.S. '296) and hence the combination of Palo (U.S. '296) in view of Wickersheim.

While Palo (U.S. '296) claims priority from provisional application no. 60/060,344 filed on September 29, 1997 and foreign application EP 98105160 on March 21, 1998 (both before the June 25, 1998 priority date of the present application), the

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§102(e) date of the Palo disclosure is still only June 12, 2000. For example, as indicated by the three pages of USPTO materials attached hereto as Exhibit I, the effective prior art date of a U.S. patent based on a national stage (§371) of an international application filed prior to November 29, 2000 (like Palo) does not go back to an earlier filed U.S. provisional application.

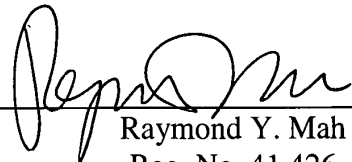
Applicant therefore respectfully requests that the rejection of claims 1, 3-11, 14 and 18 under 35 U.S.C. §103 over Palo and Wickersheim be withdrawn.

Conclusion:

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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